

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

No. 558

Introduced by Assembly Members Emmerson and Bogh

February 16, 2005

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An act to amend Section 29550 of the Government Code, relating to ~~booking fees~~, relating to parks and recreation, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 558, as amended, Emmerson. ~~Booking fees~~ Appropriations.

Existing law provides that, notwithstanding any other provision of law, a county may impose a fee upon other entities for administrative costs in booking and processing arrested persons.

~~This bill would make a technical, nonsubstantive change in those provisions.~~

*The Budget Act of 2000 (Chapter 52 of the Statutes of 2000) appropriated specified sums to the Department of Parks and Recreation for local assistance, including \$2,000,000 for local park facilities and \$1,000,000 for development of the Redlands Sports Complex in the City of Redlands.*

*This bill would reappropriate to the department \$2,000,000 for local assistance, City of Redlands, for local park facilities, and \$750,000 for local assistance, City of Redlands, for the Redlands Sports Complex development.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 29550 of the Government Code is~~  
2     ~~amended to read:~~

3     ~~SECTION 1. (a) The sum of two million seven hundred fifty~~  
4     ~~thousand dollars (\$2,750,000) of the unencumbered balance~~  
5     ~~appropriated to the Department of Parks and Recreation in~~  
6     ~~Schedule (a) of Item 3790-101-0001 of Section 2.00 of the Budget~~  
7     ~~Act of 2000 (Chapter 52 of the Statutes of 2000) shall be~~  
8     ~~reappropriated as follows:~~

9     ~~(1) The sum of two million dollars (\$2,000,000) for local~~  
10    ~~assistance, Schedule (a)(184), City of Redlands, for local park~~  
11    ~~facilities.~~

12    ~~(2) The sum of seven hundred fifty thousand dollars (\$750,000)~~  
13    ~~for local assistance, Schedule (a)(221), City of Redlands, for the~~  
14    ~~Redlands Sports Complex development.~~

15    ~~(b) The sums reappropriated in subdivision (a) shall be~~  
16    ~~available for encumbrance not later than June 30, 2008.~~

17    ~~29550. (a) (1) Notwithstanding any other provision of state~~  
18    ~~law, a county may impose a fee upon a city, special district,~~  
19    ~~school district, community college district, college, or university~~  
20    ~~for reimbursement of county expenses incurred with respect to~~  
21    ~~the booking or other processing of persons arrested by an~~  
22    ~~employee of that city, special district, school district, community~~  
23    ~~college district, college, or university, where the arrested persons~~  
24    ~~are brought to the county jail for booking or detention. The fee~~  
25    ~~imposed by a county pursuant to this section shall not exceed the~~  
26    ~~actual administrative costs, including applicable overhead costs~~  
27    ~~as permitted by federal Circular A-87 standards, as defined in~~  
28    ~~subdivision (d), incurred in booking or otherwise processing~~  
29    ~~arrested persons. For the 2005-06 fiscal year and each fiscal year~~  
30    ~~thereafter, the fee imposed by a county pursuant to this~~  
31    ~~subdivision shall not exceed one-half of the actual administrative~~  
32    ~~costs, including applicable overhead costs as permitted by federal~~  
33    ~~Circular A-87 standards, as defined in subdivision (d), incurred~~  
34    ~~in booking or otherwise processing arrested persons. A county~~  
35    ~~may submit an invoice to a city, special district, school district,~~  
36    ~~community college district, college, or university for these~~  
37    ~~expenses incurred by the county on and after July 1, 1990.~~

1 ~~Counties shall fully disclose the costs allocated as federal~~  
2 ~~Circular A-87 overhead.~~

3 ~~(2) Any increase in a fee charged pursuant to this section shall~~  
4 ~~be adopted by a county prior to the beginning of its fiscal year~~  
5 ~~and may be adopted only after the county has provided each city,~~  
6 ~~special district, school district, community college district,~~  
7 ~~college, or university 45 days written notice of a public meeting~~  
8 ~~held pursuant to Section 54952.2 on the fee increase and the~~  
9 ~~county has conducted the public meeting.~~

10 ~~(3) Any county that imposes a fee pursuant to this section shall~~  
11 ~~negotiate a reduced fee with any city, special district, school~~  
12 ~~district, community college district, college, or university within~~  
13 ~~the county for any services that are performed by the arresting~~  
14 ~~agency in the processing of arrestees that do not have to be~~  
15 ~~duplicated by the county.~~

16 ~~(4) This subdivision shall not apply to counties that are under~~  
17 ~~a contractual agreement with a city, special district, school~~  
18 ~~district, community college district, college, or university within~~  
19 ~~the county that is subject to the fee.~~

20 ~~(b) The exemption of a local agency from the payment of a fee~~  
21 ~~pursuant to this subdivision does not exempt the person arrested~~  
22 ~~from the payment of fees for booking or other processing.~~

23 ~~(1) Notwithstanding subdivision (a), a city, special district,~~  
24 ~~school district, community college district, college, or university~~  
25 ~~shall not be charged fees for arrests on any bench warrant for~~  
26 ~~failure to appear in court, nor on any arrest warrant issued in~~  
27 ~~connection with a crime not committed within the entity's~~  
28 ~~jurisdiction.~~

29 ~~(2) Notwithstanding subdivision (a), a city, special district,~~  
30 ~~school district, community college district, college, or university~~  
31 ~~shall not be charged fees for a person who is ordered by a court~~  
32 ~~to be remanded to the county jail except that a county may~~  
33 ~~charge a fee to recover those direct costs for those functions~~  
34 ~~required to book a person pursuant to subdivision (g) of Section~~  
35 ~~853.6 of the Penal Code.~~

36 ~~(3) Notwithstanding subdivision (a), a city, special district,~~  
37 ~~school district, community college district, college, or university~~  
38 ~~shall not be charged fees for arrests made pursuant to arrest~~  
39 ~~warrants originating outside of its jurisdiction.~~

~~(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.~~

~~(5) An agency making a mutual aid request shall pay fees in accordance with subdivision (a) that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.~~

~~(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.~~

~~(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.~~

~~(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.~~

~~(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee~~

1 into the county detention facility. For the 2005-06 fiscal year and  
2 each fiscal year thereafter, the county may charge up to one-half  
3 of the actual administrative costs for those additional tasks listed  
4 in subdivision (d) that are performed in order to receive the  
5 arrestee into the county detention facility.

6 ~~(c) Any county whose officer or agent arrests a person is~~  
7 ~~entitled to recover from the arrested person a criminal justice~~  
8 ~~administration fee for administrative costs it incurs in~~  
9 ~~conjunction with the arrest if the person is convicted of any~~  
10 ~~criminal offense related to the arrest, whether or not it is the~~  
11 ~~offense for which the person was originally booked. The fee~~  
12 ~~which the county is entitled to recover pursuant to this~~  
13 ~~subdivision shall not exceed the actual administrative costs,~~  
14 ~~including applicable overhead costs incurred in booking or~~  
15 ~~otherwise processing arrested persons.~~

16 ~~(d) When the court has been notified in a manner specified by~~  
17 ~~the court that a criminal justice administration fee is due the~~  
18 ~~agency:~~

19 ~~(1) A judgment of conviction may impose an order for~~  
20 ~~payment of the amount of the criminal justice administration fee~~  
21 ~~by the convicted person, and execution may be issued on the~~  
22 ~~order in the same manner as a judgment in a civil action, but~~  
23 ~~shall not be enforceable by contempt.~~

24 ~~(2) The court shall, as a condition of probation, order the~~  
25 ~~convicted person, based on his or her ability to pay, to reimburse~~  
26 ~~the county for the criminal justice administration fee, including~~  
27 ~~applicable overhead costs.~~

28 ~~(e) As used in this section, "actual administrative costs"~~  
29 ~~include only those costs for functions that are performed in order~~  
30 ~~to receive an arrestee into a county detention facility. Operating~~  
31 ~~expenses of the county jail facility including capital costs and~~  
32 ~~those costs involved in the housing, feeding, and care of inmates~~  
33 ~~shall not be included in calculating "actual administrative costs."~~  
34 ~~"Actual administrative costs" may include the cost of notifying~~  
35 ~~any local agency, special district, school district, community~~  
36 ~~college district, college or university of any change in the fee~~  
37 ~~charged by a county pursuant to this section. "Actual~~  
38 ~~administrative costs" may include any one or more of the~~  
39 ~~following as related to receiving an arrestee into the county~~  
40 ~~detention facility:~~

1     ~~(1) The searching, wristbanding, bathing, clothing,~~  
2     ~~fingerprinting, photographing, and medical and mental screening~~  
3     ~~of an arrestee.~~

4     ~~(2) Document preparation, retrieval, updating, filing, and court~~  
5     ~~scheduling related to receiving an arrestee into the detention~~  
6     ~~facility.~~

7     ~~(3) Warrant service, processing, and detainer.~~

8     ~~(4) Inventory of an arrestee's money and creation of cash~~  
9     ~~accounts.~~

10    ~~(5) Inventory and storage of an arrestee's property.~~

11    ~~(6) Inventory, laundry, and storage of an arrestee's clothing.~~

12    ~~(7) The classification of an arrestee.~~

13    ~~(8) The direct costs of automated services utilized in~~  
14    ~~paragraphs (1) to (7), inclusive.~~

15    ~~(9) Unit management and supervision of the detention function~~  
16    ~~as related to paragraphs (1) to (8), inclusive.~~

17    ~~(f) An administrative screening fee of twenty-five dollars~~  
18    ~~(\$25) shall be collected from each person arrested and released~~  
19    ~~on his or her own recognizance upon conviction of any criminal~~  
20    ~~offense related to the arrest other than an infraction. A citation~~  
21    ~~processing fee in the amount of ten dollars (\$10) shall be~~  
22    ~~collected from each person cited and released by any peace~~  
23    ~~officer in the field or at a jail facility upon conviction of any~~  
24    ~~criminal offense, other than an infraction, related to the criminal~~  
25    ~~offense cited in the notice to appear. However, the court may~~  
26    ~~determine a lesser fee than otherwise provided in this subdivision~~  
27    ~~upon a showing that the defendant is unable to pay the full~~  
28    ~~amount. All fees collected pursuant to this subdivision shall be~~  
29    ~~transmitted by the county auditor monthly to the Controller for~~  
30    ~~deposit in the General Fund. This subdivision applies only to~~  
31    ~~convictions occurring on or after the effective date of the act~~  
32    ~~adding this subdivision and prior to June 30, 1996.~~